

No.



200200015

# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Brushdale Seeds, Inc.*

*Whereas*, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

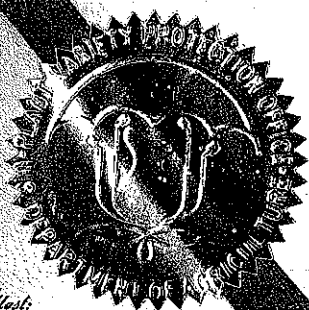
NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'BS-141'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this ninth day of April, in the year two thousand two.*

*Attest:*



*P. M. Zerkel*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*Freeman*

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

# APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER <b>BRUSHVALE SEEDS, INC.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>EXP-141</b>		3. VARIETY NAME <b>BS-141</b>	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) Street and No.: <b>RRI BOX 16A</b> City: <b>BRECKENRIDGE, MN</b> Zip: <b>56520</b> Country: <b>USA</b>		5. TELEPHONE (include area code) <b>218-643-2311</b>		FOR OFFICIAL USE ONLY PVPO NUMBER <b>200200015</b>	
		6. FAX (include area code) <b>218-643-8110</b>			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>CORPORATION</b>		8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>MINNESOTA</b>		9. DATE OF INCORPORATION <b>12-20-1988</b>	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) <b>Dr. Richard C. Peet</b>  <b>FOLEY &amp; LARDNER</b> <b>Washington Harbour</b> <b>3000 K Street, N.W., Suite 500</b> <b>Washington, D.C. 20007-5109</b>				FILING DATE <b>10/30/2001</b>	
				FILING AND EXAMINATION FEES: <b>\$ 2,705.00</b>  DATE <b>10/30/2001</b>  CERTIFICATION FEE: <b>\$ 320.00</b>  DATE <b>2/14/02</b>	
11. TELEPHONE (include area code) <b>(202) 672 5483</b>		12. FAX (include area code) <b>(202) 672 5399</b>		13. E-MAIL <b>rpeet@foleylaw.com</b>	
				14. CROP KIND (Common Name) <b>SOYBEAN</b>	
18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)			19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act. <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no," go to item 22)		
			20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		
			21. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)		
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)			23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		
24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER <b>Brushvale Seed Inc., Jon Miller</b>			SIGNATURE OF OWNER		
NAME (Please print or type) <b>Jon Miller</b>			NAME (Please print or type)		
CAPACITY OR TITLE <b>Secretary</b>		DATE <b>9-19-01</b>		CAPACITY OR TITLE	
				DATE	

**Exhibit A. Origin and Breeding History of the Variety**

**Soybean Variety BS-141**

Variety BS-141 was bred from a 1992 cross of FTE-MN001/FTE-KN6001/IL3333NT.

Variety BS-141 is an F6-derived variety which was advanced to the F6 generation by modified single seed descent. The first increase involved F6 single plant purification. The second increase involved 32 foot row increase. The third increase involved 1 acre increase.

Subsequently, BS-141 has undergone years of extensive testing and purification and has been observed by the breeder to be uniform and stable for all plant traits from generation to generation, with no evidence of variants. Single plants selected from an F6 population have over 96% of variety fixed genes. At all stages of increase, varieties were visually inspected based on phenotypic criteria including, pubescence color, flower color, pod color, and plant type.

**STATEMENT OF DISTINCTNESS  
SOYBEAN VARIETY - B.S.141**

B.S. 141 is most similar to Danatto soybeans. However, B.S. 141 has a 5 - 7 day longer maturity and yields 3 - 5 bushel better than Danatto. B.S. 141 also is a stronger plant and does not lodge as Danatto does. B.S. 141 has a stronger seed coat and handles Iron Chlorosis better. The seed size of B.S. 141 is uniform.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT C  
(Soybean)**

**OBJECTIVE DESCRIPTION OF VARIETY  
SOYBEAN (*Glycine max* (L.) Merr.)**

NAME OF APPLICANT(S) <b>BRUSHVALE Seeds, inc.</b>	FOR OFFICIAL USE ONLY
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)	PVPO NUMBER
<b>Rri Box 16a BRECKENRIDGE, MN 56520</b>	<b>200200015</b>
	VARIETY NAME
	<b>BS-141</b>
	TEMPORARY OR EXPERIMENTAL DESIGNATION

**PLEASE READ ALL INSTRUCTIONS CAREFULLY:** Place the appropriate number that describes the varietal character of this variety in the boxes below.

or

Place a zero in the first box (e.g.

9	9	9	0	9
---	---	---	---	---

) when number is either 99 or less or 9 or less respectively. Data for

quantitative

plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal

Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used:

Please answer all questions for your variety; lack of response may delay progress of your application.

**A. MORPHOLOGY**

**Seed Shape:**

1
---

1 = Spherical  
(L/W, L/T, and T/W ratios < 1.2)

2 = Spherical-Flattened  
(L/W ratio > 1.2; L/T ratio < 1.2)

3 = Elongate  
(L/T ratio > 1.2; T/W ratio < 1.2)

4 = Elongate-Flattened  
(L/T ratio > 1.2; T/W ratio > 1.2)

**Seed Coat Color:**

1
---

1 = Yellow

2 = Green

3 = Brown

4 = Black

5 = Other

(Please Specify) \_\_\_\_\_

**Seed Coat Luster:**

2
---

1 = Dull

2 = Shiny

**Seed Size:**

0	9
---	---

grams/100 seeds

**Hilum Color:**

2
---

1 = Buff  
6 = Black

2 = Yellow

3 = Brown

4 = Gray

5 = Imperfect Black

7 = Other (Please Specify) \_\_\_\_\_



B. DISEASE REACTIONS (Continued) 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

Fungal

0 Brown Spot (*Septoria glycines* Hemmi)

Frogeye Leaf Spot (*Cercospora sojina* Hara)

0	race 1	0	race 2	0	race 3	0	race 4
0	race 5	0	race 6	0	Other (Please Specify) _____		

0 Target Spot (*Corynespora cassicola* (Berk. & Curt.) Wei)

0 Downey Mildew (*Peronospora trifoliorum* var. *manchurica* (Naum.) Syd. ex Gäum)

0 Powdery Mildew (*Microsphaera diffusa* Cke. & Pk.)

3 Brown Stem Rot (*Phialophora gregata* (Allington & Chamberlain) W. Gams.)

0 Stem Canker (*Diaporthe phaseolorum* (Cke. & Ell.) Sacc. var. *caulivora* Athow & Caldwell)

0 Pod and Stem Blight (*Diaporthe phaseolorum* (Cke. & Ell.) Sacc. var. *sojae* (Lehman) Wehm.)

3 Purple Seed Stain (*Cercospora kikuchii* (T. Matsu. & Tomoyasu) Gardener)

3 Rhizoctonia Root Rot (*Rhizoctonia solani* Kühn)

Phytophthora Root Rot (*Phytophthora megasperma* Drechs. f. sp. *glycinea* (Kuan & Erwin))

0	race 1	0	race 8	0	race 15	0	race 22
0	race 2	0	race 9	0	race 16	0	race 23
0	race 5	0	race 12	0	race 19	0	race 26
0	race 6	0	race 13	0	race 20	0	Other (Please Specify)
0	race 7	0	race 14	0	race 21	0	_____
0		0		0		0	
0		0		0		0	

0 Bud Blight (Tobacco Ringspot Virus)

0 Yellow Mosaic (Bean Yellow Mosaic Virus)

**B. DISEASE REACTIONS (Continued)**      0 = Not Tested      1 = Susceptible      2 = Resistant      3 = Tolerant

Cowpea Mosaic (Cowpea Chlorotic Virus)

Pod Mottle (Bean Pod Mottle Virus)

Seed Mottle (Soybean Mosaic Virus)

**Nematode**

**Soybean Cyst Nematode (*Heterodera glycines* Ichinohe)**

<input type="text" value="1"/> race 1	<input type="text" value="1"/> race 4	<input type="text" value="1"/> race 9
<input type="text" value="1"/> race 2	<input type="text" value="1"/> race 5	<input type="text" value="1"/> race 14
<input type="text" value="1"/> race 3	<input type="text" value="1"/> race 6	<input type="text" value="1"/> Other (Please Specify) _____

Lance Nematode (*Hoplolaimus columbus* Sher)

Southern Root Knot Nematode (*Meloidogyne incognita* (Kofoid & White) Chitwood)

Northern Root Knot Nematode (*Meloidogyne hapla* Chitwood)

Peanut Root Knot Nematode (*Meloidogyne arenaria* (Neal) Chitwood)

Reniform Nematode (*Rotylenchus reniformis* Linwood & Olivera)

Javanese Nematode (*Meloidogyne javanica* (Treub) Chitwood)

Other Nematode (Please Specify) \_\_\_\_\_

**C. PHYSIOLOGICAL RESPONSES**      0 = Not Tested      1 = Susceptible      2 = Resistant      3 = Tolerant

Iron Chlorosis on Calcareous Soil      4 = Susceptible with better tolerance than current natto varieties

Phosphorus       Other (Please Specify) \_\_\_\_\_

Boron

Aluminum

Salt



## Drought

**D. INSECT REACTIONS**

0 = Not Tested

1 = Susceptible

2 = Resistant

3 = Tolerant

Mexican Bean Beetle (*Epilachna varivestis* Mulsant)Potato Leaf Hopper (*Empoasca fabae* (Harris))

Other (Please Specify) \_\_\_\_\_

**E. HERBICIDE REACTIONS**

0 = Not Tested

1 = Susceptible

2 = Resistant

Metribuzin

Bentazone

Sulfonylurea

Glyphosate

Glufosinate

Pendimethalin

Other (Please Specify) \_\_\_\_\_

**F. TRANSGENIC COMPOSITION**

Has the development of the subject variety included the insertion of genetic material from an organism other than a soybean, or, the removal of genetic material from the application variety?

If yes, please complete the following information requests\*. Use additional pages if necessary.

☐

YES

☒

NO

1. Please state the vector's name:
2. Please state the vector components:
3. Please describe the genetic material successfully transferred into the subject variety:
4. Please describe the insertion protocol:

\* A literature citation(s) explaining the four information requests above may be an acceptable alternative to completion of the "Transgenic Composition" portion of this form.

**G. BIOCHEMICAL MARKERS**

Please describe any biochemical information here, which you believe will be helpful in further describing the subject variety (e.g. Simple Sequence Repeats, Restriction Fragment Length Polymorphisms, Isozymic Characterization). Use additional pages if necessary.

None available at this time.



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**H. COMMENTS**

REPRODUCE LOCALLY. Include form number and edition date on all reproductions.

FORM APPROVED - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paper Reduction Act (PRA) of 1995.

**EXHIBIT E  
STATEMENT OF THE BASIS OF  
OWNERSHIP**

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)  BRUSHVALE SEEDS, INC.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  EXP - 141	3. VARIETY NAME  BS-141
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  Rri Box 16a Breckenridge, MN 56520	5. TELEPHONE (Include area code)  218-643-2311	6. FAX (Include area code)  218-643-8110
7. PVPO NUMBER		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block.  
If no, please explain.

YES



NO

9. Is the applicant (individual or company) a U.S. National or a U.S. based company?  
If no, give name of country

YES



NO

10. Is the applicant the original owner?



YES



NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?



YES



NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?



YES



NO

If no, give name of country

11. Additional explanation on ownership (If needed, use the reverse for extra space):

**Please Note:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 6 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

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